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SNELL & WILMER L.L.P.

One Arizona Center

400 East Van Buren

Phoenix, AZ 85004-2202

EXAMINER

SCHUBERT, KEVIN R

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/035,064

Applicant(s)

FOLEY ET AL.

Examiner

Kevin Schubert

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 14-16 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14-16, 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12272001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2137

**DETAILED ACTION**

Claims 1-7, 14-16, and 19-24 have been considered. The examiner respectfully notes that a significant amount of prior art which meets the limitations of the claimed invention was found. Only three references have been used in the claim rejections for brevity sake.

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***Election/Restrictions***

Claims 8-13, 17-18, and 25-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected groups, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/27/05.

10

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

15 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section  
20 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-7, 14-16, 19-24 rejected under 35 U.S.C. 102(e) as being anticipated by Hillhouse, U.S. Patent 6,052,468.

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As per claims 1, 14-16, 19, 21, and 23, the applicant describes a method for facilitating the selection of at least one authentication method for accessing a restricted service comprising the following limitations which are met by Hillhouse:

a) enabling a user to select a method of authentication for access to the restricted service,  
30 wherein the restricted service requires a method of authentication in order to gain access to the restricted service (Col 6, lines 20-65);

Art Unit: 2137

b) registering the user selected method of authentication which facilitates the user's ability for gaining access to the restricted service (Col 6, lines 20-65);

Hillhouse discloses a particular method for restricting access to a particular service, such as retrieving key data, in which a user selects a particular method used for authentication. For example, the user may choose the authentication method to be biometric. By choosing biometric, the user registers that he wants biometric authentication to be performed as the authentication means. Hillhouse also discloses that one advantage of the user selectable authentication method is that the user can change methods by registering a different authentication method. For example, the user may authenticate himself using the registered method, such as biometric, and then register a different authentication method such as password instead of biometric. This is useful in the case where the user may need to rely on different authentication methods in the case where he transports the data.

As per claims 2,6,20,22, and 24, the applicant describes the method of claims 1,5,19,21, and 23 which are met by Hillhouse, with the following limitation which is also met by Hillhouse:

Wherein the method of authentication includes at least one of user identification and password, user identification and pass-phrase, smart card and PIN, smart card and digital certificate, biometrics, sound verification, radio frequency and password, infrared and password, and palm pilot and digital certificate (Col 5, lines 20-65).

As per claims 3 and 7, the applicant describes the method of claims 1 and 5, which are met by Hillhouse, with the following limitation which is also met by Hillhouse:

Further comprising the step of enabling the user to select more than one method of authentication for access to the restricted service (Col 7, lines 10-15);

Hillhouse discloses that more than one authentication method may be placed on the restricted data, such as password and biometrics.

Art Unit: 2137

As per claim 4, the applicant describes the method of claim 1, which is met by Hillhouse, with the following limitation which is also met by Hillhouse:

Further comprising the step of registering the user selected method of authentication as a minimum level of security for authentication for the user (Col 7, lines 10-15);

5 Since a user can register more than one authentication method, the user sets a minimum level of security for authentication when only one method is selected.

***Claim Rejections - 35 USC § 102***

10 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15 Claims 1-2,5-6,14-16,19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Stockwell, U.S. Patent No. 5,950,195.

20 As per claims 1,5,14-16,19,21, and 23, the applicant describes a method for facilitating the selection of at least one authentication method for accessing a restricted service comprising the following limitations which are met by Stockwell:

a) enabling a user to select a method of authentication for access to the restricted service, wherein the restricted service requires a method of authentication in order to gain access to the restricted service (Col 6, lines 16-27);

25 b) registering the user selected method of authentication which facilitates the user's ability for gaining access to the restricted service (Col 6, lines 20-65);

Stockwell describes an authentication system in which a firewall application (agent) authenticates a user. The agent may present a menu of choices to the user for the user to select which authentication

Art Unit: 2137

method to use. By completing the menu of choices, the user registers with the system which authentication method he would like to use. The system then uses the method to authenticate the user and grant or deny the user access.

5 As per claims 2,6,20,22, and 24, the applicant describes the method of claims 1,5,19,21, and 23 which are met by Stockwell, with the following limitation which is also met by Stockwell:

Wherein the method of authentication includes at least one of user identification and password, user identification and pass-phrase, smart card and PIN, smart card and digital certificate, biometrics, sound verification, radio frequency and password, infrared and password, and palm pilot and digital  
10 certificate (Col 6, lines 16-27).

As per claim 4, the applicant describes the method of claim 1, which is met by Stockwell, with the following limitation which is also met by Stockwell:

Further comprising the step of registering the user selected method of authentication as a  
15 minimum level of security for authentication for the user (Col 6, lines 16-27).

The selected method of authentication is a minimum level of security for authentication because at least the selected method must be performed.

***Claim Rejections - 35 USC § 103***

20 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.  
25

Art Unit: 2137

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hillhouse in view of Microsoft (Microsoft. Enabling and Configuring Authentication. 1999. [www.freshinvest.com/iis/htm/core.iiauths.htm](http://www.freshinvest.com/iis/htm/core.iiauths.htm)).

5 As per claim 5, the applicant describes a method for facilitating a user's selection of a minimum security level for authentication for a login into a system, comprising the following steps which are met by Hillhouse in view of Microsoft:

a) querying the user to select at least one level of security for authentication by presenting a dialog box to the user (Microsoft: page 1);

10 b) enabling the user to submit a user selected level of security for authentication into the system by entering the user selected level of security for authentication into the dialog box such that a predetermined security level for authentication is selected by the user (Col 6, lines 20-65);

c) registering the user selected level of security for authentication into the system such that the system may authenticate the user based on the predetermined security level for authentication (Col 6,  
15 lines 20-65);

Hillhouse discloses all the limitations of parts b and c of the claim. However, Hillhouse does not disclose the use of a dialog box for selecting an authentication method. Microsoft discloses selecting an authentication method via an authentication methods dialog box. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Microsoft with those of  
20 Hillhouse and use a dialog box because a dialog box is an organized way to present data to a user.

Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stockwell in view of Microsoft (Microsoft. Enabling and Configuring Authentication: 1999. [www.freshinvest.com/iis/htm/core.iiauths.htm](http://www.freshinvest.com/iis/htm/core.iiauths.htm)).

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As per claims 3 and 7, the applicant describes the method of claims 1 and 5, which are met by Stockwell, with the following limitation which is met by Microsoft:

Art Unit: 2137

Further comprising the step of enabling the user to select more than one method of authentication for access to the restricted service (Microsoft: page 1);

Stockwell discloses all the limitations of claims 1 and 5. However, Stockwell does not disclose the idea of selecting more than one authentication method. Microsoft discloses that more than one authentication method may be selected. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Microsoft with those of Stockwell and use more than one authentication method for the purpose of increased security.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER

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